

**REMARKS**

Claims 1, 2, 4, 5, 7-12, 14, 15 and 17-20 were present for examination in the above identified application. All claims stand rejected. By the present response claims 4 and 14, which the Examiner points out depended from cancelled claims, have been amended to depend from claim 1 and 11, respectively, which are non-cancelled independent claims.

All claims in the application stand rejected under 35 U.S.C. 101 on the basis of statutory double patenting. As mentioned earlier by applicant, the claims of the present application were drafted to be similar to those of U.S. Patent 6,624,605 to Powder et al. Also, as discussed in earlier communications The Chamberlain Group, Inc. is the owner of the entire right, title and interest in the present application and in the Powder et al. patent.

In rejecting the present claims, the Examiner states the following:

"Since the U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302), the assignee is required to state which entity is the prior inventor of the conflicting subject matter."

The Examiner's statement is consistent with MPEP § 2304.05 (Rev. 4, October 2005) which is believed a replacement for the prior MPEP § 2302.

The undersigned, acting on behalf of Assignee, The Chamberlain Group, Inc. hereby states that the entity represented in the present application 10/717,263 is the prior inventor of the conflicting subject matter. In order to implement the representation, the applicant has filed a Disclaimer of claims 7, 9, 10, 14, 21 and 22 of Patent 6,624,605. A copy of the Disclaimer as filed is submitted herewith. In view of the foregoing, applicant asserts that all claims in the present application are allowable as they now stand.

Application No. 10/717,263  
Reply to Office Action of June 15, 2005

Attorney Docket No. 79701

The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

By Kenneth H. Samples  
Kenneth H. Samples  
Registration No.: 25,747

Date: 12/14/05  
120 South LaSalle Street  
Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007